

1 DAVID L. ANDERSON (CABN 149604)  
United States Attorney

2 HALLIE HOFFMAN (CABN 210020)  
3 Chief, Criminal Division

4 LLOYD FARNHAM (CABN 202231)  
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
6 San Francisco, California 94102-3495  
7 Telephone: (415) 436-7200  
8 Fax: (415) 436-7234  
Lloyd.Farnham@usdoj.gov

Attorneys for United States of America

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 UNITED STATES OF AMERICA, ) Case No. 19-CR-00376 RS  
14 Plaintiff, )  
15 v. ) STIPULATED PROTECTIVE ORDER  
16 THOMAS HENDERSON, )  
17 KEXING HU a/k/a PETER HU, and )  
18 COOPER LEE )  
19 Defendants. )  
20

21 With the agreement of the parties that have appeared in this case, defendants Thomas Henderson  
22 and Cooper Lee, the Court enters the following Protective Order.

23 Defendants are charged in an Indictment that alleges violations of 18 U.S.C. § 371 (Conspiracy);  
24 18 U.S.C. § 1349 (Conspiracy to Commit Wire Fraud); 18 U.S.C. § 1343 (Wire Fraud); and 18 U.S.C.  
25 § 1001(a) (False Statements to a Government Agency). Upon receipt of a discovery request, the United  
26 States will produce documents and other materials pertaining to the defendants and the charged offenses  
27 to defense counsel. The discovery to be provided includes documents or other materials falling into one  
28 or more of the following categories (collectively, "Protected Information"):

- 1 1. Personal Identifying Information of any individual (other than his or her name), including  
2 without limitation any person's date of birth, social security number, residence address,  
3 personal telephone numbers, email addresses, driver's license number, professional license  
4 number, or criminal histories ("Personal Identifying Information");
- 5 2. Financial information of any individual or business, including without limitation bank  
6 account numbers, credit or debit card numbers, account passwords, contact information, and  
7 taxpayer identification numbers ("Financial Information"); and
- 8 3. Medical records or other patient information of any individual covered by the Health  
9 Insurance Portability and Accountability Act of 1996 (HIPPA) ("Medical Information").

10 To ensure that Protected Information is not subject to unauthorized disclosure or misuse,

11 IT IS HEREBY ORDERED that defense counsel of record, their investigators, assistants, and  
12 employees (collectively, "the defense team") may review with the defendant all discovery material  
13 produced by the government, but shall not provide a defendant with copies of, or permit defendant to  
14 make copies of, or have unsupervised access to, any discovery material produced by the government that  
15 contains Protected Information, unless the Personal Identifying Information, Financial Information,  
16 and/or Medical Information has first been entirely redacted from the discovery materials.

17 The government and defense counsel are ordered to work together to ensure that these materials  
18 are protected, but that defendant has as much access to the materials as can be provided consistent with  
19 this Court's order.

20 Discovery material that clearly pertains to a specific defendant and does not contain Protected  
21 Information regarding any other person (e.g., defendant's own bank records, telephone records, and  
22 business records) may be provided to that defendant unredacted.

23 Defense counsel may also provide unredacted copies of Protected Information to any experts  
24 retained to assist with the preparation of the defense in the captioned case. The defendant, all members  
25 of the defense team, and any experts who receive discovery under this Order shall be provided a copy of  
26 this Order along with those materials and shall provide their agreement to be bound by it in writing  
27 before receiving discovery under this Order.

28 Defense counsel may permit review by and provide discovery material produced by the

1 government to potential witnesses for the defense under the following conditions: (1) any discovery  
2 material reviewed or provided is limited to the materials relevant to the witness; (2) any discovery  
3 material reviewed or provided that contains Protected Information must be redacted; (3) the witness  
4 agrees in writing to be bound by this Order before receiving discovery under this Order; and (4) the  
5 witness agree to return or destroy materials after any meetings or discussions with defense counsel.

6 The materials provided pursuant to this protective order may only be used for the specific  
7 purpose of preparing or presenting a defense in this matter unless specifically authorized by the Court.

8 This Order shall also apply to any copies made of any materials covered by this Order.

9 IT IS FURTHER ORDERED that neither a defendant, a potential witness, nor any member of  
10 the defense team shall provide any discovery material produced by the government—whether or not the  
11 material constitutes or contains Protected Information within the meaning of this Order—to any third  
12 party (i.e., any person who is not a member of the defense team) or make any public disclosure of the  
13 same, other than in a court filing, without the government’s express written permission or further order  
14 of this Court. If a party files a pleading that references or contains or attaches Protected Information  
15 subject to this Order, that filing must be under seal.<sup>1</sup>

16 IT IS FURTHER ORDERED that defense counsel shall return materials subject to this  
17 Protective Order (including any copies) upon a written request of the government to the United States  
18 within 14 days after whichever event occurs last in time: dismissal of all charges against the defendant;  
19 defendant’s acquittal; defendant’s sentencing; or the conclusion of any direct appeal. After the United  
20 States receives documents and materials subject to this Order, it shall maintain those documents and  
21 materials until the period for filing a motion under 28 U.S.C. § 2255 has expired. After the statutory  
22 period for filing a motion under 28 U.S.C. § 2255 has expired, the United States is free to destroy  
23 documents and materials subject to this Order. If defendant is represented by counsel and files a motion  
24 pursuant to 28 U.S.C. § 2255, the United States will provide counsel with the documents and materials  
25 subject to this Protective Order under the terms of this Order. Defendant’s attorney in any motion under  
26 28 U.S.C. § 2255 shall return the documents and materials subject to this Protective Order upon a  
27

28 <sup>1</sup> This Order authorizes such filings under seal and the parties are not required to seek additional  
authorization from the Court to do so.

1 written request of the government within 14 days after the district court's ruling on the motion or 14  
2 days after the conclusion of any direct appeal of the district court's order denying the motion, whichever  
3 is later.

4 This stipulation and Order is without prejudice to either party applying to the Court to modify the  
5 terms of this Protective Order. This Court shall retain jurisdiction to modify this Order upon motion of  
6 either party even after the conclusion of district court proceedings in this case.

7 IT IS SO STIPULATED.

8 Dated:

Respectfully submitted,

9 DAVID L. ANDERSON  
10 United States Attorney

11 /s/  
12 LLOYD FARNHAM  
13 Assistant United States Attorney

14 /s/  
15 ANGELA HANSEN  
16 Assistant Federal Public Defender  
17 Counsel for THOMAS HENDERSON

18 /s/  
19 ADAM G. GASNER  
20 Counsel for COOPER LEE

21  
22 IT IS SO ORDERED.

23 Dated:

24  
25 HONORABLE RICHARD SEEBORG  
26 United States District Judge  
27  
28